

COUNCIL BUSINESS COMMITTEE

Raising Accessibility Standards for New Homes 15 October 2020

Report of Jason Syers – Director of Economic Growth and Regeneration

PURPOSE OF REPORT

To advise Members of the Government's Raising Accessibility Standards for New Homes Consultation and seek approval for the submission of a response.

The consultation commenced on 8th September and runs until 1st December 2020.

The government is seeking views on how to raise accessibility in new homes. The consultation sets out five options, the first is to wait to see the impact of planning policy on the use of technical standards and the remaining four options consider changes to the mandatory requirements within the Building Regulations.

This report is public.

RECOMMENDATIONS

- (1) **That the draft response to the consultation, at Appendix 1 of the Report, is submitted as a formal response from Lancaster City Council.**

1.0 Introduction

- 1.1 Accessibility standards for new homes are set out in Part M of the Building Regulations. Category 1 sets minimum standards for all new homes but only ensures most people, can access a home and access rooms and sanitary facilities on the ground floor. Categories 2 and 3 are optional standards which local authorities can adopt within their local plan. Category 2 requires step free access to a home, WC and accommodation within the entrance storey, features to enable common adaptations in the home and wall mounted sockets. Category 3 provides wheelchair user dwellings. The Council chose to adopt category 2 within the local plan. Policy DM2 requires that 20% of new homes, on schemes of more than 10 meet category 2. This only applies where a planning condition is attached to a planning permission and requires compliance.
- 1.2 Adoption of the optional standards has been sporadic, and many local authorities have advised that viability has been highlighted as a barrier to their introduction. Where they have been introduced, targets for accessible housing have been watered down or waived entirely at the viability appraisal stage for individual planning applications. As

policy DM2 has only been in place for a short period, data is not yet available on the impact the adopted category 2 standard is having on the viability of individual schemes or whether the 20% requirement is being met.

- 1.3 There have been calls to raise the minimum access standard. The Women and Equalities Committee recommended this in its report 'Building for Equality: Disability and the Built Environment' in 2017. The Royal Institute of British Architects (RIBA) published the report 'A Home for the Ages: Planning for the Future with Age-Friendly Design' in July 2019 which makes the case for how policymakers focusing on increasingly age-friendly housing provision could play an important role in tackling the extensive issues in both housing and social care.
- 1.4 The government is now seeking views on how best to achieve this. They have set out five options:
 - Option 1: Consider how recently revised planning policy on the use of optional technical standards impacts on delivery of accessible housing.
 - Option 2: To mandate the current M4(2) requirement in Building Regulations as a minimum standard for all new homes, with M4(1) applying by exception only where M4(2) is impractical and unachievable (e.g a new build flat above a garage). M4(3) would apply where there is a local planning policy in place in which a need has been identified and evidenced.
 - Option 3: Remove M4(1) altogether, so that all new homes will have to at least have the accessible and adaptable features of an M4(2) home. M4(3) would apply where there is a local planning policy in place in which a need has been identified and evidenced. This would mean that no new homes could be built as M4(1).
 - Option 4: To mandate the current M4(2) requirement in Building Regulations as a minimum standard for all new homes with M4(1) applying by exception only, a set percentage of M4(3) homes would also need to be applied in all areas. So rather than local authorities setting a local planning policy for the provision of M4(3), a defined and constant percentage would apply to all new housing.
 - Option 5: Change the content of the mandatory technical standard. This could be done by upgrading the statutory guidance to create a revised M4(1) minimum standard. This revised standard could be pitched between the existing requirements of M4(1) and M4(2), adding more accessible features into the minimum standard.
- 1.5 The consultation paper estimates that the additional build cost to meet M4(2) is £1,400. The evidence used in the Council's Local Plan Viability Appraisal (April 2018) estimated the cost at £1,000 and Habinteg, provide a range of estimates per dwelling type and size. While three and four bedroom houses may be in the region of £1,400, other types of houses are lower. The estimate in the consultation paper appears overly high for scheme which would include a range of house types and sizes.
- 1.6 The consultation paper estimates that 10% of new dwellings already meet M4(2) and that will increase to 30% in 10 years-time without government intervention. The development industry has however been reluctant to embrace the accessibility and

adaptability with the House Builders Federation objecting to the inclusion of requirements in local plans. As highlighted in the consultation paper, many authorities are facing challenges on individual applications where developers claim the provisions are unviable. Many authorities have not adopted optional standards. Lancaster, M4(2) has only recently been adopted, it is too soon to determine how many accessible and adaptable homes this will deliver. The estimate of the delivery of M4(2) are therefore considered overly high.

- 1.7 The consultation is in the form of a series of questions seeking views on the options. The questions and recommended responses are attached at Appendix 1.

2.0 Details of Consultation

- 2.1 The consultation ends on the 1st December 2020. The full documentation can be viewed using the following link:
<https://www.gov.uk/government/consultations/raising-accessibility-standards-for-new-homes>

3.0 Options and Options Analysis (including risk assessment)

	Option 1: To formally respond to the Raising Accessibility Standards for New Homes Consultation with the comments provided in Appendix 1 of this report	Option 2: To formally respond with any other comments	Option 3: To provide no response to the consultation
Advantages	The views of the Council will be considered by the Government when the policy details are formulated.	The views of the Council will be considered by the Government when the policy details are formulated.	No advantages
Disadvantages	While the Council may submit comments, they may not result in the issues raised being reflected in the final policy.	While the Council may submit comments, they may not result in the issues raised being reflected in the final policy.	That the views/opinions of the Council will not be taken into account and future opportunities to feed into the process will be lost.
Risks	The accessibility standards may not be revised to reflect the views of the Council.	The accessibility standards may not be revised to reflect the views of the Council.	That the views/opinions of the Council will not be taken into account and future opportunities to feed into the process will be lost.

4.0 Officer Preferred Option (and comments)

4.1 Option 1 is the preferred Officer opinion. This option ensures that Lancaster City Council provides its views and will be able to make further comments should revisions and further consultation be carried out.

5.0 Conclusion

5.1 It is recommended that the response set out in Appendix 1 is submitted as Lancaster City Council's formal response to the consultation.

CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):

The introduction of enhanced accessibility standards has the potential to deliver an increased amount of accessible homes to meet the needs of a wide range of people both now and in the future, thereby improving equality, diversity and sustainability.

Responding to the consultation is Lancaster City Council's opportunity to ensure that these impacts on equality are taken into account in the development of the policy.

LEGAL IMPLICATIONS

There are no legal implications stemming from this report.

FINANCIAL IMPLICATIONS

There are no financial implications resulting directly from the recommendations.

OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces

Building Control functions are carried out by the Council and private Approved Inspectors. As plans are assessed and inspections carried the options proposed in the consultation statement are unlikely to have a significant impact on resources.

The enhancement of accessibility and adaptability standards would have an impact upon the development of homes that the Council may wish to carry out. Additional resource may be required to meet the standards and will need to be taken into account when any such schemes are planned.

SECTION 151 OFFICER'S COMMENTS

The s151 Officer has been consulted and has no comments to add

MONITORING OFFICER'S COMMENTS

Responses on behalf of the Council to consultations such as this fall within the Terms of Reference of this Committee. The Monitoring Officer has no further comments to add

BACKGROUND PAPERS

The Raising Accessibility Standards for New Homes Consultation is available to view in the following link:

<https://www.gov.uk/government/consultations/raising-accessibility-standards-for-new-homes>

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Appendix 1 – Proposed Lancaster City Council response to the consultation

The consultation poses a series of questions to which the following responses are recommended.

Questions 1 and 2 relate to the respondent's details

Question 3

Do you support the Government's intention to raise accessibility standards for new homes?

Please explain your reasons

Yes

Question 4

Which of the 5 options do you support? You can choose more than one option or none.

Please explain your reasons, including the advantages and disadvantages of your preferred option(s).

- Option 4: To mandate the current M4(2) requirement in Building Regulations as a minimum standard for all new homes with M4(1) applying by exception only, a set percentage of M4(3) homes would also need to be applied in all areas. So rather than local authorities setting a local planning policy for the provision of M4(3), a defined and constant percentage would apply to all new housing.
- Reference to M4(1) applying by exception only, should specify that this is only where M4(2) is impractical and unachievable (e.g. a new build flat above a garage), as stated in option 2.

It is imperative that the Nationally Described Space Standards (NDSS) are retained and implemented in tandem with changes to the Building Regulations. While Option 4 will enhance accessibility, M4(2) and M4(3) do not result in house sizes which meet the needs of all occupiers. Similar issues raised in the Consultation Paper regarding the implementation of NDSS in local plans and at application stage arise. NDSS must therefore be retained, and preferably also made mandatory.

The current combination of Building Regulations and planning policy/conditions is confusing to all users and lacks enforceability. As planners are specifically advised not to assess whether proposals meet the optional standards and Building Inspectors may not necessarily be aware of the policies adopted by each council or of conditions attached to planning permissions, there is a significant scope for the optional standards not to be provided within a development. A mandatory requirement within the Building Regulations would avoid such cases.

The guidance at para:008 ref ID: 56-008-20160519 of the Planning Practice Guidance, which states, 'should not impose any additional information requirements (for instance provision of furnished layouts) or seek to determine compliance with these requirements, which is the role of the Building Control Body', hinders the implementation of M4(2) and M4(3). When a scheme reaches the Building Regulation stage, it is often too late to address the requirements without significant alteration to the design of houses and the site layout, necessitating either the submission of a new planning application or a relaxation of the requirements. To ensure that planning permissions reflect the standards, local planning authorities must have the remit to ensure that house designs and the external layout allow for the standards to be incorporated into a scheme. To do this, internal layout plans showing how each house meet the standards, external details to show gradients and ramps to meet the access requirements and a simple checklist are required. Such information will be required to assess proposals at the Building Regulation stage, therefore should not increase the burden upon developers. Enabling local planning authorities to ensure schemes meet the requirements, will prevent delays to implementations once a planning permission has been granted.

A mandatory requirement would ensure consistency throughout the country, which the current approach has failed to achieve.

The emphasis on a five-year land supply and reliance on delivery by volume housebuilders has placed local authorities in a weak position when balancing housing delivery and other issues such as accessibility. The Government's emphasis on delivery appears to take precedence when making decisions or at appeal. A mandatory requirement would remove the need for local authorities to balance these issues and ensure that homes are accessible.

As highlighted by the evidence in the Consultation Paper, there is a growing need and desire for accessible homes. They are not however being provided by the housing development industry. The Councils own evidence highlights an aging population and a need for accessible and adaptable homes to meet the needs of a wide range of people. The existing stock is not easily adaptable and adds to the burden on resources. It is therefore important that the needs for the future are met in full within new housing.

Question 5

If you answered 'None' to Q4, do you think the Government should take a different approach?

If yes, please explain what approach you consider favourable and why?

N/A

Question 6

Do you agree with the estimated additional cost per dwelling of meeting M4(2), compared to current industry standards, in paragraph 44?

If no, please comment on what you estimate these costs to be and how you would expect these costs to vary between types of housing e.g. detached, semi-detached or flats?

Please provide any evidence to support your answers.

No

The evidence available in the Habinteg, 'Housing and Disabled People, A toolkit for local planning authorities in England: Planning for accessible home' shows estimated costs to be lower. Table 1 provides estimated extra costs for a wide range of dwellings, and while those for three and four bedroom houses may be in the region of £1,400, they are lower for other types and sizes. The figure should be reduced to reflect the range of flat and house types and sizes which may be delivered on sites.

As the development industry become more accepting and provides a greater number of homes to meet the standards, the additional costs should reduce.

Question 7

Do you agree with the proportion of new dwellings already meeting or exceeding M4(2) over the next ten years in paragraph 44?

If no, please comment on your alternative view and how you would expect this to vary between types of housing e.g. detached, semi-detached or flats?

Please provide any evidence to support your answers.

No

The development industry has been reluctant to embrace M4 as can be seen by the significant number of objections to local plan policies made by the Home Builders Federation.

As highlighted in the consultation paper, many authorities are facing challenges on individual applications where developers claim that the provision is unviable and many authorities have not adopted optional standards. Lancaster City Council has only recently adopted M4(2), it is too soon to determine how many accessible and adaptable homes this will deliver. However, as the policy requires 20% of homes on schemes of more than 10 dwellings to meet the standard, it is unlikely that the 30% referred to be will reached within 10 years.

Question 8

Do you have any comments on the costs and benefits of the other options set out above.

If yes, please provide your comments including any evidence to support your response.

Option 1, will fail to address the issues arising from an ageing population or the costs associated with adapting dwellings or providing social care.

Option 2, will result in inconsistencies in approaches to M4(3), confusion over the requirements and responsibilities and a lack of enforceability.

Option 3, will may result in some regeneration opportunities not being feasible.

Option 5, will not provide the accessibility and adaptability needed to address the issues that exist.

Question 9

Do you have any comments on the initial equality impact assessment?

If yes, please provide your comments including any evidence to further determine the positive and any negative impacts.

It is not considered that the 'do nothing' option would have a positive impact upon the protected characteristics or age and disability. This option will simply ensure that the situation is not made worse.